IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION ST.NO. 14310 OF 2006
IN
FIRST APPEAL NO. 1403 OF 2006.

Prabhakart Hindurao Alatekar. ... Applicant.
Versus.
Balasaheb Mahadev Koingde
and others. ... Respondents.

Shri Siddharth Karpe i/by M/s.Y.K.S.Legal for the Applicant.

Shri Amit Borkar for the Respondents Nos.1 and 2.

Shri Karlekar for Respondent No.3.

CORAM : ABHAY S.OKA, J.
DATED : 21st July, 2006.

P.C.:

1. Rule. Shri Borkar waives service for the Respondents Nos.1 and 2. Shri Karlekar waives service for Respondent No.3. Taken up for hearing forthwith.

2. By the impugned judgment and decree the Applicant has been directed to execute a conveyance in respect of the suit property in favour of the Respondents Nos.1 and 2 and the Applicant is also directed to deliver possession. Shri Borkar appearing for Respondents Nos.1 and 2 states that the entire amount as directed by the decree has been deposited by the Respondents Nos.1 and 2.

3. Considering the fact that the First Appeal is admitted for final hearing, the operation of the decree will have to be stayed subject to certain conditions.

4. Hence the following order is passed:

i) There will be interim relief in terms of prayer clause (b), subject to condition that the Applicant will not create any third party interests in respect of the suit property and will not part with the possession of the suit premises in favour of any third party.

ii) The amount deposited by the Respondents Nos.1 and 2 (original Plaintiffs) in the trial Court be invested in fixed deposit with any nationalised bank initially for a period of five years and the same shall be renewed from year to year till disposal of the First Appeal.

iii) There will be no order as to costs. C.A. is disposed of.

Judge.